

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW R. SCHLEY,

Defendant.

CASE NO. CR19-0247-JCC

ORDER

This matter comes before the Court on Defendant Matthew Schley's unopposed motion to proceed with a plea hearing by video conference (Dkt. No. 56). Having thoroughly considered the motion and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

I. BACKGROUND

On November 27, 2019, Mr. Schley was charged by indictment with one count of being a felon in possession of a firearm. (Dkt. No. 13.) He has been in custody since his arrest on this charge. (See Dkt. Nos. 9, 11, 12.) After a continuance, trial was scheduled for June 15, 2020. (See Dkt. No. 23.) But as a result of the COVID-19 pandemic's impact in this district, the Court vacated the trial date, continued trial to November 16, 2020, and concluded that the period of the continuance was an excludable time period under 18 U.S.C. section 3161(h)(7)(A). (Dkt. Nos. 37, 54, 55.) The parties have now reached a plea agreement and Mr. Schley moves to enter a

1 guilty plea by video conference. (Dkt. No. 56.) The Government does not oppose the request.

2 **II. DISCUSSION**

3 Because of the health risks posed by the COVID-19 pandemic, the Court may conduct a
 4 felony plea hearing by video conference if the defendant consents and the Court finds that the
 5 plea hearing cannot be further delayed without serious harm to the interests of justice. *See*
 6 Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136,
 7 §§ 15002(b)(2)(A), (b)(4), 134 Stat. 281, 528–29 (2020); W.D. Wash. General Order No. 14-20
 8 (Sept. 24, 2020), 04-20 (Mar. 30, 2020). Mr. Schley has a strong interest in the speedy resolution
 9 of this matter. Under General Order 15-20, in-person proceedings will not resume until at least
 10 January 1, 2021. *See* W.D. Wash. General Order No. 15-20 at 2 (Oct. 2, 2020). The Court finds
 11 that unnecessarily delaying Mr. Schley’s guilty plea hearing, and therefore his sentencing, for at
 12 least three months, despite having already reached a plea agreement with the Government, would
 13 cause serious harm to the interests of justice.
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16 **III. CONCLUSION**

17 For the foregoing reasons, the Court GRANTS Defendant’s unopposed motion to proceed
 18 with a plea hearing by video conference (Dkt. No. 56). The Court ORDERS that Defendant’s
 19 guilty plea hearing before a Magistrate Judge be set as soon as practicable and be conducted by
 20 video conference. The Court DIRECTS the presiding judge to establish a record of Defendant’s
 21 consent for the hearing, in accordance with General Order No. 04-20.

22 DATED this 20th day of October 2020.

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John C. Coughenour
 UNITED STATES DISTRICT JUDGE